Remarks

Status of the Claims

Claims 29, 31-41, 43-45 and 56-60 are pending in the application and stand rejected. By this paper, the paragraph beginning on page 43, line 13, and claims 41, 44-45, 56-58 and 60 have been amended. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

35 U.S.C. § 101

Claims 29 and 31-40 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter because the present specification recites a machine-readable medium that may include a propagation media. Per the Examiner's suggestion, Applicant has amended the paragraph beginning on page 43, line 13 of the specification to further distinguish between storage and propagation media. Accordingly, Applicant respectfully submits that claims 29 and 31-40 are directed to statutory subject matter and requests that the rejection based on 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 112

Claims 41-45 and 57-60 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. These claims also stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being

indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Both of these rejections are based on the term "original" in the claims, which Applicant used to clarify for the Examiner that the same group of multimedia streams is encrypted a first time using a first type of encryption and a second time using a second type of encryption. Although Applicant disagrees with the Examiner's rejections based on the word "original," as it is commonly understood and used, Applicant has amended the claims herein to replace the term "original" with "first." Again, the term "first" signifies that the same group of streams or channels (e.g., the same multimedia content) is encrypted a first time and a second time using different types of encryption. Thus, Applicant respectfully requests that the rejection of claims 41-45 and 57-60 be withdrawn.

Claim Objections

Claims 29, 31-41, 43-45 and 56-60 stand objected to because the term "new" multimedia server is allegedly vague. Applicant respectfully disagrees. As with most words, the term "new" may have different meanings when considered without the benefit of context provided by the claim as a whole and the application disclosure. See M.P.E.P. § 2173.02 (stating that claim language must not be analyzed "in a vacuum" and that "the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope").

Applicant respectfully submits that the context of the claims as a whole provides sufficient clarity to one of ordinary skill in the art to understand that the term "new" is used to distinguish between a multimedia receiver capable of decrypting a

particular type of encryption as compared to a "legacy" multimedia receiver capable of decrypting another type of encryption. Thus, the claims use "new" in comparison with "legacy" and clearly define the capabilities of both types of receiver. For example, in claims 29, 41, 56 and 57, "legacy" multimedia receivers are capable of decrypting a CA encryption and "new" multimedia receivers are capable of decrypting a different type of encryption. In claim 58, for example, a "legacy" multimedia receiver is capable of decrypting a first type of encryption and a "new" multimedia receiver is capable of decrypting a second type of encryption. Thus, the independent claims clearly define the meaning and scope of "new" multimedia receivers and "legacy" multimedia receivers.

The definition and context provided by the claims are consistent with the specification as filed. For example, page 31, lines 7-17 of the specification also use the term "new" multimedia receiver to distinguish between a multimedia receiver capable of decrypting a particular type of encryption ("non-standard encryption/compression (e.g., open encryption and MPEG-4 compression)") as compared to a "legacy" multimedia receiver capable of decrypting another type of encryption ("standard encryption/compression (i.e., standard CA encryption and MPEG-2 compression)").

Thus, based on the claims as a whole, and the context provided by the specification, Applicant submits that the claims are not vague and requests that the objection be withdrawn.

35 U.S.C. § 102

Claims 29, 31, 32, 36-41, 43, 44, and 56-60 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,953,418 to Bock et al. ("Bock"). However, Applicant respectfully traverses this rejection because Bock fails to identically teach every element of the claims. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Among other things, Claim 29 recites:

> ***encrypting a first group of unencrypted multimedia channels*** using conditional access ("CA") encryption to produce a first group of encrypted multimedia channels;
>
> ***encrypting said first group of unencrypted multimedia channels*** using a different type of encryption to produce a second group of encrypted multimedia channels; and
>
> ***simulcasting said first group*** of encrypted multimedia channels ***simultaneously with said second group*** of encrypted multimedia channels to a plurality of multimedia subscribers....

New multimedia receivers may use advanced types of encryption as compared to legacy multimedia receivers. A person of ordinary skill in the art will recognize that the different types of encryption are not interchangeable. For example, the legacy multimedia receivers cannot decrypt the more advanced types of encryption that the new multimedia receivers are able to decrypt.

According to the claimed invention, the ***same,*** first group of unencrypted multimedia channels is encrypted using *two different types of encryption*. Thus, after encryption, the two encrypted groups are two versions of the same multimedia content. Each version includes the content of the first group of multimedia channels,

but with a different encryption. The two versions are then ***broadcast simultaneously*** (e.g., simulcast) to subscribers. For example, Figure 16 (reproduced below) of the present application shows two versions of "premium" digital channels being broadcast at the same time. A first version (see element 1626) is encrypted using standard encryption, and a second version (see element 1628) is encrypted using alternate encryption.

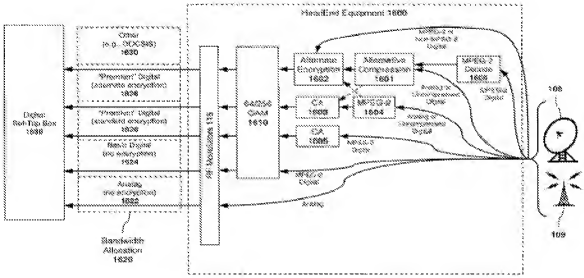
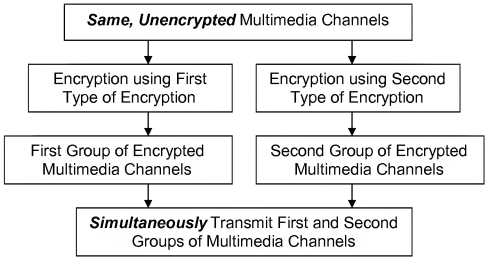


FIG. 16

As shown in the drawing below, the claims provide a parallel process that encrypts original, unencrypted multimedia channels two times using two different types of encryption so that two viewers, using different types of receivers, can view the same program at the same time.



As with the Examiner's previous rejections based on other references, Bock is completely silent as to ***encrypting the same, multimedia channel twice*** and then transmitting the encrypted channels ***at the same*** so they can be decrypted by receivers with different capabilities. Rather, Bock teaches superimposing a digital data signal on an analog video signal (col. 3, lines 50-54) and allowing only certain receivers to receive the digital data (col. 20, lines 38-41). Bock teaches restricting access to the digital data superimposed on the analog video signal by providing each receiver with a unique board ID and transmitting the board IDs of the intended or authorized recipients with the digital data (col. 20, lines 44-51). However, Bock is silent as to encrypting the analog video signal twice and broadcasting two versions of the encrypted analog video signal at the same time. Bock is also silent as to encrypting the superimposed digital data signal twice for simultaneous transmission. Further, Bock does not teach encrypting the board IDs with different encryption types for simulcasting (see col. 20, lines 52-65 stating that the board IDs are encrypted with

ECB DES and that each recipient decrypts each board ID so as to look for a match with its own board ID).

Page 6 of the Office Action asserts that col. 7, lines 3-11 of Bock somehow teaches encrypting a first group of unencrypted multimedia channels using CA encryption to produce a first group of encrypted multimedia channels, and encrypting the first group of unencrypted multimedia channels using a different type of encryption to produce a second group of encrypted multimedia channels. However, Applicant respectfully disagrees. Rather, the cited portion of Bock merely indicates that "any one of three conventional DES encryption algorithms" may be used. Just because different encryption algorithms can be selected ***does not suggest that the same multimedia channels are encrypted multiple times using different encryption algorithms***. Indeed, Bock provides no teaching or suggestion that the result of using any one of the three conventional algorithms is to produce multiple groups of encrypted multimedia channels with the same content.

Page 6 of the Office Action also asserts that col. 12, line 57 to col. 13, line 15 of Bock somehow teaches simulcasting the first group of encrypted multimedia channels simultaneously with the second group of encrypted multimedia channels to a plurality of multimedia subscribers having either a new multimedia receiver or a legacy multimedia receiver. However, because multiple groups of the same channels are not created, this assertion cannot be correct. Rather, the cited portion of Bock merely teaches that a video signal (***not a simulcast*** of multiple versions of the same video signal) may be received by multiple devices (e.g., television, VCR or PC). This is completely unrelated to the subject matter of the pending claims.

Page 6 of the Office Action further asserts that col. 20, lines 38-51 of Bock somehow teaches that the second group of encrypted multimedia channels are decryptable by the new multimedia receivers and the first group of encrypted multimedia channels are decryptable by the legacy multimedia receivers. However, Applicants respectfully disagree. As discussed above, this portion of Bock teaches that digital data superimposed on an analog video signal (not the analog video signal itself) is restricted to receivers with selected board IDs. However, all of the receivers are capable of processing the analog video signal. Further, as discussed above, each receiver is capable of decrypting the board IDs and the superimposed data, if authorized to do so (see col. 20, lines 52-65).

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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